

GORDON N. BLAIR

IBLA 79-41

Decided June 28, 1979

Appeal from decision of Utah State Office, Bureau of Land Management, rejecting drawing entry card lease offer U-41082.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

It is proper to reject a drawing entry card lease offer, given first priority at a drawing, where the name of the offeror is affixed to the card first name, middle initial, last name, not in the appropriate spaces, by means of a rubber stamp, instead of being inserted in the appropriate spaces of the card in this order: last name, first name, middle initial.

APPEARANCES: Gordon N. Blair, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Gordon N. Blair appeals from a decision of the Utah State Office, Bureau of Land Management (BLM), dated September 21, 1978, rejecting his drawing entry card (DEC) which was drawn with first priority for Parcel UT 81 in the July 1978 simultaneous filings. The State Office gave the following as the basis for rejecting the offer:

The card is prima facie defective in that the expression of the name of the offeror is not in conformance with the printed instructions on the card. The card clearly indicates that the offeror's name must be inserted on the appropriate line only in this fashion: "last name, first name, and middle initial." The address reading "Gordon N. Blair" does not comply with the instructions, and for that reason, the drawing entry card must be rejected. Irving B. Brick, 36 IBLA 235 (August 8, 1978).

In his statement of reasons, appellant points out that Irving B. Brick, *supra*, is on appeal to the court. He contends that his lease should not be denied while the Brick case is under consideration.

Appellant also alleges that the decision discriminates against him, whose professional name is recognized both as a personal and business name. He explains that companies, trusts, and estates have won parcels and have not adhered to the format of "last name, first name, middle initial." He claims that his name is a valid business name and should receive the same treatment as any company, estate, or trust.

43 CFR 3112.2-1(a) requires that the DEC must be "signed and fully executed." The instructions on the card indicate that the offeror's name must be inserted on the appropriate line in the following manner: "last name, first name, and middle initial."

The Board has repeatedly held that a DEC which is not wholly in compliance with the regulations must be rejected. *See, e.g., Theodore R. Kuhn*, 38 IBLA 135 (1978), DEC not dated; John G. Keane, 37 IBLA 364 (1978), DEC not dated; William K. Du Kate, 35 IBLA 51 (1978), no zip code number; Hartley L. Gordon, 32 IBLA 139 (1977), incomplete address.

The stamp on appellant's card reading Gordon N. Blair does not comply with the instructions and consequently the DEC must be rejected. This holding does not discriminate against appellant. He filed as an individual or single person and he admits that "Gordon N. Blair" is his name as an individual. Names of all persons filing singly and as individuals must be inserted on the appropriate line of the DEC in accordance with the instructions. Irving B. Brick, *supra*.

In Brick v. Andrus, Civil Action No. 78-1814, the United States District Court for the District of Columbia issued an order dated June 7, 1979, granting defendant's motion for summary judgment and denying plaintiff's motion for summary judgment and dismissing his complaint. The court stated:

... the Court finds that the decision of the Interior Board of Land Appeals on August 8, 1978 -- determining that plaintiff's drawing entry card for parcel WY-76 was "prima facie defective in that the expression of the name of the offeror by means of an address label [listing plaintiff's first name, first, and last name, last] is not in conformance with the printed instructions on the card ["last name, first name, and middle initial," in that order] "-- was not arbitrary, irrational, or an abuse of discretion, and is entitled to deference from this Court. See

Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976); McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955).

Strict compliance with the regulations is necessary in order to facilitate efficient processing of the drawing entry cards. The Board explained in William K. Du Kate, *supra* at 52, as follows:

The rationale for demanding preciseness of completion by offerors in simultaneous oil and gas drawings is sound. Faced with a great number of filings, the various BLM State Offices have a substantial administrative burden in processing not only the entry cards for oil and gas drawings, but also applications in other matters. Thus, it is necessary for each oil and gas offeror to perform the simple task of carefully filling out the boxes on his entry card if the Department is efficiently and accurately to fulfill its responsibility for administering the oil and gas leasing program. An offeror who fails to satisfy the Department's unburdensome filing demands cannot fairly expect that his offer will be accepted ahead of those later-drawn offers which have been filed with the requisite care.

Nearly 3,000,000 DEC's were filed during fiscal 1978. Management and adjudication of this volume of offers pose many problems. BLM is investigating various automatic data processing systems, and has actually computerized the processing of such filings in its Wyoming office. The burden of administering such a massive volume of filings enhances the importance of uniformity and strict adherence to the requirements.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joan B. Thompson
Administrative Judge

